

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL EXECUTIVE COMMITTEE MEETING

September 13, 1999  
MAG Offices  
302 North 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Neil Giuliano, Tempe, Chairman	Mayor Elaine Scruggs, Glendale
* Mayor Skip Rimsza, Phoenix, Vice Chairman	Mayor John Keegan, Peoria
Mayor Jay Tibshraeny, Chandler	

\* Not present

1. Call to Order

The Executive Committee meeting was called to order by Chairman Neil Giuliano at 12:10 p.m.

2. Approval of August 16, 1999 Executive Committee Meeting Minutes

Mayor John Keegan moved, Mayor Jay Tibshraeny seconded and it was unanimously carried to approve the August 16, 1999 Executive Committee meeting minutes.

3. Apache Junction Request for Representation on MAG Boards

Chairman Giuliano stated that this agenda item would be continued at a later Executive Committee meeting when Mayor Coleman could attend.

4. Update on the Recommendations of Governor Hull's Growing Smarter Commission

James M. Bourey stated that the Growing Smarter Commission passed their recommendations on September 1, 1999. Mr. Bourey introduced Corey Cox, MAG Regional Development Manager, who has worked on Growing Smarter since the beginning of the process.

Ms. Cox handed out the Final Report of the Growing Smarter Commission and a matrix that showed the policies as they appeared on the June 16, 1999 and policies from the September 1, 1999. She stated that she would explain the most significant changes that had occurred in the report subsequent to Regional Council adoption of a position on Growing Smarter. Ms. Cox stated that, in the previous report, state planning goals would be established by a broader group and would get a policy framework to guide state and local planning. The Governor would establish a task force made up of State agency heads to develop state growth goals in consultation with local agencies.

Ms. Cox stated that in the *Improvement of Regional Coordination* section, the September recommendations state that cities and counties within a regional planning agency would be required to exchange comprehensive plans and provide comments. The policy would also give express authority to Councils of Government to create regional planning sub-units. She mentioned that the definition of developments of regional impact and regional planning interagency coordination recommendations that were approved by the Regional Council in July are not included in the Commission's recommendations.

Ms. Cox summarized the September recommendation in the *Citizen Participation in Growth Management Decisions* section. She stated that fast growing cities would submit their general plan to the voters every ten years. However, this recommendation does not mention voting on amendments to general plans.

Ms. Cox stated that the *Infill Incentives* section remained relatively intact with the exception of tax increment financing, which has been deferred. In the *Capability of Municipalities to Meet 1998 General Plan Requirements* section, the September recommendations would require new plan elements only for municipalities with populations of 10,000 or more and municipalities with populations between 2,500 and 10,000 with growth rates exceeding two percent per year in a ten year period.

Ms. Cox summarized the recommendations in the September report in the *Regulation of Lot Splits in Unincorporated Areas* section. She stated that in counties with more than 10,000 in population, the Board of Supervisors would have the authority to regulate lot splits of 10 acres or less that occur within a 10 mile radius of a municipality having a population of more than 10,000. She mentioned that, in the rest of the State, County Supervisors could vote to require full disclosure of substandard conditions at the time of sale. There would be no statement in the sales documents limiting the liability of the seller. Ms. Cox commented that the APA has been working on a solution to the lot split issue for many years. Mayor Tibshraeny and Mayor Keegan commented on the groups lobbying in opposition to lot splits. Ms. Cox stated that counties absorb much of the costs of wildcat subdivisions.

Ms. Cox summarized the recommendations in the September report in the *Additional Protection for Property Rights* section. She stated that local government would provide an administrative appeal process at no cost to the property owner when a takings claim was made by a property owner. The local government would provide a takings analysis and a hearing would occur within 30 days. The hearing officer would make a recommendation to the council or board for action. The owner could file a complaint within 30 days if the owner is not satisfied with the decision. Ms. Cox stated that express written consent of a property owner would be required before land could be rezoned for open space, recreation, conservation, or agriculture. She said that land could not be designated for these uses without the provision of an alternative designation. Ms. Cox noted that this recommendation could result in litigation.

Ms. Cox stated that the *Allocation of Growth Costs* section remained unchanged. She stated that the *Improvement of Planning and Zoning Process* section remained unchanged with the exception of the omission of county overlay zones and that "Rural Planning Districts" could be initiated by petition in a county.

Ms. Cox stated that in the *Open Space Techniques* section, the *Stewardship Trust* would change the State Constitution Enabling Act to create a conservation stewardship trust through which the State Land Commissioner would be eligible to nominate the highest conservation quality state lands to be placed in a special trust. Ms. Cox stated in the *Land Exchanges* recommendations, a ballot proposal would be referred to the voters to amend the constitution to permit land exchanges between state, federal, and local governments and limited conservation based exchanges with private land, subject to the public review process. Ms. Cox noted that *Contributory Value*, *Purchase of Development Rights*, and *Stewardship Recognition* remain unchanged.

Mayor Keegan noted that the Legislature grants the Board of Supervisors the authority to proceed on lot splits. Changes in the State constitution require federal action. He noted that legislation on land exchanges has been defeated three times. Mr. Bourey stated that the Regional Council voted to reserve the right to re-examine the policies. Mayor Scruggs asked if the September recommendations would be further revised by the Commission. Ms. Cox replied that this is the final report and would be used to draft the actual legislation. Chairman Giuliano asked if there were any discussion or questions. Mayor Scruggs stated that it would be helpful for each member agency to go to their councils for further discussion of the policies and then discuss the input received from their council meetings with the other member agencies. Mr. Bourey stated that MAG could set up a meeting and invite member agencies to discuss these issues.

Mayor Keegan stated that he is interested in seeing an analysis of the proposals. He expressed concern for the state regulating the growth of communities. He commented that some communities encourage growth and some do not want growth. The wants and needs of one community are not always evident to other communities. It is difficult for one community to determine regulations for another. Mayor Keegan stated that local communities be encouraged to do what they can to manage growth. He stated that planning sub-units need further discussion. Mayor Keegan stated that the tools we have be used to manage growth. He urged caution in what is regulated for all communities.

Chairman Giuliano asked if an analysis of the proposals had been done. Ms. Cox replied that an analysis was done in June. She stated that the analysis could be adapted to the September recommendations. Mayor Scruggs expressed concern that enabling could possibly lead to mandating. Mayor Keegan noted that many city councils are discussing growth at their meetings. Mayor Tibshraeny commented on the Sierra Club legislation. Ms. Cox stated that half of the signatures needed have been obtained. Mr. Bourey reviewed MAG's advanced notification procedure, where MAG is notified and comments on cities' plan changes.

## 5. Vision 2025 Update

Mr. Bourey indicated that the Greater Phoenix Leadership (GPL) considered their participation in the Valley Vision 2025 project at their meeting on September 9, 1999. He commented that GPL is positive in their support of Valley Vision. John Oppedahl is arranging a meeting the week of September 20, 1999 to discuss their participation. A definite date has not yet been determined. Mr. Bourey stated that a telephone survey will be conducted to gain opinions on the draft goals developed by the Committee. He stated that information on the public input forums will be sent out so all would be able to participate in the process. The Committee will consider the comments

received at the forums and through the telephone survey and review the draft goals. Mr. Bourey stated that this process would take until the end of the year, when a draft report is expected.

Mayor Scruggs asked the amount of contributions. Mr. Bourey replied that the \$1 million budget would be covered by the resources available.

6. Update on Transportation Funding Estimate

Mr. Bourey stated that in April, ADOT met in Casa Grande with transportation officials from throughout Arizona to agree on a new set of guiding principles for Arizona's transportation planning and programming process. A recommendation from this meeting was the formation of a Resource Allocation Advisory Committee (RAAC). Mr. Bourey stated that the purpose of the RAAC is to annually recommend estimates for the distribution of future state and federal revenues to MAG, PAG and the remainder of the state. Mr. Bourey commented on the major effort undertaken last year to increase our share of funding. A series of RAAC meetings has been held. Mr. Bourey stated that at the meeting held last week, a discussion took place on the split of revenues with 50 percent for MAG and PAG and 50 percent for the remainder of the State.

Eric Anderson stated that all projects in the existing statewide program remain funded. He handed out a spreadsheet that showed a comparison of revenues for MAG, PAG and the remainder of the State, with 1-year, 2-year, 3-year, 4-year, and 5-year phase-in schedules. Mr. Anderson stated that the 3-year phase-in is the recommendation of MAG staff, rather than a 5-year phase-in. Mr. Anderson stated that 38.1 percent is the fair share percentage for the MAG region. The MAG share of 1999 to 2003 Program was 10.5 percent, or \$223,000,000. The MAG share last year was 24.1 percent, or \$640,513,000. He indicated that with a 3-year phase-in, the region would receive 29.1 percent, or \$767,535,000. This would mean an additional \$42 million for our region in 2005.

Mayor Scruggs asked for PAG's position on their fair share. Mr. Bourey stated that PAG has requested 13 percent as their share, and would agree to a 3-year phase-in. Mr. Bourey noted that the remainder of the State would continue to be adequately funded. Chairman Giuliano asked if there were any questions or discussion.

Chairman Giuliano thanked all for attending the meeting. He stated that the agenda item on Apache Junction would be considered at a later Executive Committee meeting when the Mayor could attend.

There being no further business, the meeting was adjourned at 12:45 p.m.

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Chairman

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Secretary